

Application No.: 10/686,089

5

Docket No.: 259052003600

**REMARKS**

Claims 1-15 are pending in the present application. Claims 9-15 have been withdrawn from consideration. By virtue of this response, claims 2-4 and 6 have been cancelled, and claim 1 has been amended. Accordingly, claims 1, 5, 7, and 8 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

***Claims Rejections – 35 USC § 103***

Claims 1-8 are rejected under 35 USC 103(a) as allegedly being unpatentable over the Applicant's Admitted Prior Art (AAPA: Specification page 2, lines 10-23; Figs. 14 and 17) in view of Ohta et al. (hereinafter Ohta) (US 5,109,368).

Claim 1 has been amended to include the features of original claims 2, 3, 4, and 6, and additional features described below. Claims 2, 3, 4, and 6 have been canceled.

Claim 1 has been amended to include the feature "wherein the dustproof member is made of an elastic material." This feature was originally included in claim 2.

Claim 1 has also been amended to include the feature "wherein the full periphery of a one end portion in the axial direction of the dustproof member is in elastic contact with the opposed lens, and the full periphery of the other end portion in the axial direction is in elastic contact with the light sensing device". This feature was originally included in claim 3.

Claim 1 has also been amended to include the feature "wherein the dustproof member expands toward both ends of the member in the axial direction." This feature was originally included in claim 4. The wording has been changed by this amendment to clearly state that the ends toward which the member expands are the ends of the member itself. That is, the member expands in the axial direction. Support for this change may be found in the specification, which states that "[t]he dustproof member 35 is formed so as to expand toward both the ends 36 in the axial direction." Page 22, lines 10-11. Figure 2 shows the ends 36 of the dustproof member 35.

pa-1117815

Application No.: 10/686,089

6

Docket No.: 259052003600

Claim 1 has also been amended to include the feature "a housing for holding the light sensing device so as to be rotatable around the reference axis line which is parallel to the optical axis of the opposed lens and so as to be displaceable in the direction perpendicular to the reference axis line, holding the opposed lens so as to be displaceable along the optical axis, and holding the dustproof member so that both the ends in the axial direction are displaceable in the axial direction by the intermediate portion in the axial direction." This feature was originally included in claim 6.

Claim 1 has also been amended to include the feature "wherein the housing has an optical path which is open without being surrounded, and a partition wall [e.g., 41] between a light sensing device and opposed lens, said partition wall having a through hole [e.g., 51] for leading light." Support for this feature may be found in the specification at page 2, line 5 through page 3, line 5, page 22, line 17 through page 23, line 3, page 25, line 23 through page 27, line 1, and in Figures 2-7.

Claim 1 has also been amended to include the features "wherein the dustproof member has a cylindrical shape and a recessed portion [e.g., 39] which is a partial area recessed toward the inner radius in the whole circumferential direction, and wherein an inner peripheral portion [e.g., 53] of the partition wall [e.g., 41] is fit in the recessed portion [e.g., 39] of the dustproof member so that the dustproof member is attached to the housing." Support for these features may be found in the specification at page 21, line 18 through page 22, line 16, page 25, line 23 through page 20, line 1, and in Figures 2-8.

With reference to Figures 14 and 15, the features of amended Claim 1 are directed to a technique for dustproofing an area generally adjacent to a light sensing device 5 of an optical pickup device 1. The optical pickup device 1 comprises a housing 7 which is open without being surrounded (see page 2, line 5 through page 3, line 5 and page 4, lines 9-16). The optical path 8 extending between the light sensing device 5 and the opposed lens 6 is an area where light is converged, so that the optical path 8 is easily influenced by being interrupted by foreign matter such as dust, which may cause the performance of the optical pickup device 1 to deteriorate sharply. However, according to the features of amended Claim 1, as shown in Figures 1 and 2, an optical

pa-1117815

Application No.: 10/686,089

7

Docket No.: 259052003600

pick up device 10 can solve the above mentioned problem (see page 30, line 18 to page 31, line 9 of the specification).

As shown in Figure 2, the dustproof member 35 made of an elastic material expands toward both the ends 36 in the axial direction and is in elastic contact with the opposed lens 24 and the light sensing device 15. With this configuration, even in the case where the opposed lens 24 and the light sensing device 15 are displaced to adjust their positions, the state of contact of the dustproof member 35 with the opposed lens 24 and the light sensing device 15 can be maintained. Therefore, intrusion of foreign matter into the optical path can be reliably prevented and at the same time an adverse influence on the optical path due to displacement of the dustproof member 35 toward the inner radius also can be prevented (see page 10, lines 5 to 13 of the specification).

Furthermore, attaching the dustproof member 35 by fitting the inner peripheral portion of the through hole 51 of the partition wall in the recessed portion of the dustproof member 35 can improve workability and eliminate the need for fixing parts such as screws.

Ohta does not disclose or suggest that both the ends of the dust blocking pipe are in contact with optical members so that the optical path is completely surrounded. Therefore, the combination of Ohta and AAPA would not provide the features of claim 1, especially as amended. Applicant respectfully asserts that amended claim 1 is in condition for allowance.

Regarding claims 5, 7, and 8, those claims depend from amended claim 1, and applicant asserts that claims 5, 7, and 8 are patentable over the cited references for at least the same reasons as claim 1.

pa-1117815

Application No.: 10/686,089

8

Docket No.: 259052003600

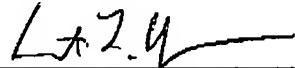
**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Attorney Docket No. 259052003600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 10, 2007

Respectfully submitted,

By   
Ernest L. Ellenberger  
Patent AgentRegistration No.: 56,529  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
(650) 813-5832

pa-1117815